United Nations A/71/705

General Assembly

Distr.: General
23 December 2016

Original: English

Seventy-first session
Agenda item 146

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Ms. Diana Mingyi **Lee** (Singapore)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 20th and 23rd meetings, on 13 and 23 December 2016. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements for the year ended 31 December 2015 and report of the Board of Auditors on the International Criminal Tribunal for Rwanda (A/71/5/Add.13);

[1] A/C.5/71/SR.20 and A/C.5/71/SR.23.

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(b) Final performance report of the Secretary-General on the budget and the liquidation of the International Criminal Tribunal for Rwanda for the biennium 2016-2017 (A/71/577);

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/71/671).

II. Consideration of draft resolution A/C.5/71/L.10

4. At its 23rd meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/71/L.10), submitted by the Chair on the basis of informal consultations coordinated by the representative of New Zealand.

5. At the same meeting, the Committee adopted draft resolution A/C.5/71/L.10 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the final performance report of the Secretary-General on the budget and the liquidation of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2016-2017,[1] the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] the financial report and audited financial statements for the year ended 31 December 2015 and the report of the Board of Auditors on the International Criminal Tribunal for Rwanda[3] and the recommendations contained therein,

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which was resolution 70/241 of 23 December 2015,

1. *Takes note* of the final performance report of the Secretary-General on the budget and the liquidation of the International Criminal Tribunal for Rwanda for the biennium 2016-2017;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Requests* the Secretary-General to ensure that Headquarters provides guidance, oversight and support to future liquidation processes, including accurate budget estimates and feasible time frames;

4. *Also requests* the Secretary-General to entrust the Office of Internal Oversight Services with the conduct of final oversight of the Tribunal, covering, inter alia, the effectiveness of the liquidation exercise, and to include information on key findings in the context of the next annual report on its activities;

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[1] A/71/577.

[2] A/71/671.

[3] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 5M* (A/71/5/Add.13).

5. *Encourages* the Secretary-General to pursue the recovery of overpayments, where appropriate and economically feasible, and to report thereon in the context of his second performance report on the budget of the International Residual Mechanism for Criminal Tribunals;

6. *Requests* the Secretary-General to ensure that lessons learned from the liquidation of the Tribunal are incorporated, as appropriate, into future liquidations of tribunals and other United Nations Secretariat entities, as well as into relevant United Nations policies and procedures;

7. *Approves* the final appropriation for the Tribunal for the biennium 2016-2017 in the amount of 2,086,100 United States dollars gross (1,978,800 dollars net), as initially appropriated by the General Assembly in its resolution 70/241;

8. *Also approves* the transfer and charge of 3,726,700 dollars gross (3,466,000 dollars net) as part of the estimated final expenditure, and further expenditures, if any, in excess of the approved appropriation for that purpose, under the 2016-2017 budget for the Mechanism, to be reported in the context of the second performance report on the budget of the Mechanism.